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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,261	11/01/2001	Charles G. Williamson	09741620/0205	8360

7590 10/28/2003

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/28/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,261

Applicant(s)

WILLIAMSON, CHARLES G.

Examiner

Thomas K Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5, 10</u> . | 6) <input type="checkbox"/> Other: |

Claim Objections

1. Claims 10-44 are objected to because of the following informalities: numbering jumped from claim 8 to claim 10. Claims 10-44 should be renumber as claims 9-43 respectively including their dependency. Appropriate correction is required.

Election/Restrictions

2. Applicant's election the invention of Group II: claims 11-43 in Paper No. 9 is acknowledged.
3. Claims 11-43 of U.S. Application 10/001231 filed on 11/01/2001 are presented for examination.

DETAILED ACTION

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11-14, 22-25 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Letorey et al U.S. Patent no. 5,521,445 (hereinafter Letorey).

Regarding claims 11, 22 and 33

Letorey teaches

Art Unit: 2121

- receiving at a coffeemaker apparatus with a network interface a plurality of timer settings
- at the network interface (col. 1 lines 43-51, “the device is characterized ... programmed absolute time”) ; and
- setting a clock with the plurality of timer settings (col. 2 lines 24-30, “at least one master ... the absolute time”) .

Regarding claims 12, 23 and 34

Letorey teaches

- setting a state of the coffeemaker apparatus (col. 2 lines 36-39, “the control means 10 ... fix a relative time”);
- formatting a state message containing the state (col. 2 lines 36-54, “the control means 10 ... a bus of the type 12C”); and
- transmitting the state message from the network interface for reception by another device (col. 2 lines 30-35, “control means 10 ... of such coincidence.”).

Regarding claims 13, 24 and 35

Letorey teaches

- setting the state of the coffeemaker apparatus to a not ready state upon the setting of the clock with the plurality of timer settings (col. 2 lines 33-35, “an inactive state ... of such coincidence”).

Regarding claims 14, 25 and 36

Letorey teaches

Art Unit: 2121

- signaling from an input device on the coffeemaker apparatus and setting the state of the coffeemaker apparatus to a ready to brew state in response to the signaling of the input device (col. 2 lines 62-65, "the user desires ... wake up time").

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-19, 26-30 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Vancha U.S. Patent no. 4,980,540.

Regarding claims 15, 26 and 37

Letorey teaches setting the state of the coffeemaker apparatus to a brewing state but does not teach the identification that the clock has reached one of the plurality of timer settings; and initializing a brew timer to a predetermined time value. However, Vancha teaches the identification that the clock has reached a timer setting (col. 3 lines 17-19, "The electronic timer 115 ... the brewing time"); initializing a brew timer to a predetermined time value (col. 3 lines 20-21, "Momentary switch 117 ... a predetermine time"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the internal electronic timer of Vancha with the timer settings of Letorey because it would provide for activating the functions of the coffee making machine remotely by synchronized the network timers and the coffee maker's internal clock.

Art Unit: 2121

Regarding claims 16, 27 and 38

Vancha teaches the identification that brew timer has expired (col. 3 lines 22-23, "momentary switch 119 ... time has expired"); setting a warming timer in response to the brew timer expiring (col. 9 lines 22-28, "if coffee sits in ... tend to change"). It would have been obvious to have a state change to a coffee ready state when the brew timer expired because the coffee is in fact ready for use.

Regarding claims 17, 28 and 39

Vancha teaches the identification that the warming timer has expired and changing the state of the coffeemaker apparatus to a not ready state in response to the expiration of the warming timer (col. 9 lines 32-36, "many operators find ... its consumption life").

Regarding claims 18, 29 and 40

Letorey and Vancha do not teach the deactivating a warming plate in response to expiration of the warming timer. However, it is obvious to have the warming plate deactivate from any heating element because the timer has expired from warming and no indication of another brewing period has been received by the controller.

Regarding claims 19, 30 and 41

Letorey teaches displaying on a display a time from the clock (abstract).

8. Claims 20, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Abrams et al. U.S. Patent no. 6,587,739.

Regarding claims 20, 31 and 42

Letorey does not teach displaying on a display a state of the coffeemaker appliance. However,

Art Unit: 2121

Abrams et al. teaches the status information of the coffeemaker appliance is displaying on a display (col. 16 lines 4-7, "a display 262 ... displaying status information"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display of Abrams et al. with the network of appliances of Letorey because it would provide for showing the status of the coffee appliance during the brewing process in order to allow users aware of each state as the process happened.

9. Claims 21, 32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Burklin U.S. Patent no. 5,848,028.

Regarding claims 21, 32 and 43

Letorey teaches the network interface with the coffeemaker appliance but does not teach receiving a time synchronization message at the network interface and setting the clock in response to the time synchronization message. However, Burklin teaches receiving a time synchronization message at the network interface (col. 4 lines 10-20, "an internal device ... of time information.") and setting the clock in response to the time synchronization message (col. 4 lines 24-34, "Incoming time information ... may be included."). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the synchronization information of Burklin with the network of appliances of Letorey because it would provide for synchronizing clocks of a plurality of devices connected to a network in order to exchange data more effectively and accurately within a network.

Art Unit: 2121

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anil Khatri* at (703) 305-0282.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

October 16, 2003

Ramesh Patel
RAMESH PATEL 10/17/03
PRIMARY EXAMINER
For Anil Khatri